

FRIDAY, JANUARY 14, 2011

FOURTH ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell

The proceedings were opened with prayer by Jimmy Jewell, Community Freewill Baptist Church, Dayton, TN.

Representative Cobb led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results

Present..... 87

Representatives present were Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Cobb, Coley, Cooper, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones S, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 87

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Casada; Business Reasons

Representative Harmon; Personal Reasons

Representative Matlock; Personal Reasons

PRESENT IN CHAMBER

Representative(s) L. DeBerry and J. Turner was/were recorded as being present in the Chamber.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

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***House Bill No. 42** -- Animal Cruelty and Abuse - As introduced, makes several permissive penalty provisions mandatory and increases the allowable range for fines for offenses against animals. - Amends TCA Title 39, Chapter 14; Title 44 and Title 70. by *Ramsey.

***House Bill No. 43** -- Public Contracts - As introduced, restores language to include geothermal heating and cooling projects on the outside of the envelope containing a bid that was erroneously left out of Public Chapter 801 of the Public Acts of 2010 which amended this section. - Amends TCA Section 62-6-119. by *Curtiss.

House Bill No. 44 -- Decatur - As introduced, subject to local approval, extends terms of aldermen that expire in April 2011 to November 2012 and terms of aldermen and mayor that expire in April 2013 to November 2014 to coincide town elections with general November election. - Amends Chapter 58 of the Private Acts of 2003. by *Watson.

House Bill No. 45 -- Highway Signs - As introduced, designates segment of S.R. 48 in Dickson County as "Brigadier General Noah Daniel Memorial Highway". by *Shepard.

House Bill No. 46 -- Taxes, Income - As introduced, repeals the Hall Income Tax in 2015; decreases tax rate from 6 percent to 4 percent in 2013; decreases tax rate from 4 percent to 2 percent in 2014. - Amends TCA Title 67, Chapter 2, Part 1. by *Sexton.

House Bill No. 47 -- Flags - As introduced, requires state flags to be flown at half-staff by political subdivisions during day of mourning declared by the governor for Tennessee national guard members killed in action. - Amends TCA Title 4, Chapter 1, Part 4. by *Sexton.

***House Bill No. 48** -- Beer - As introduced, prohibits issuing or renewing permits to sell beer off-premises to persons selling beer through drive-up or drive-through windows or curb-service unless such person is certified as responsible vendor. - Amends TCA Title 57, Chapter 5, Part 1. by *Lundberg.

***House Bill No. 49** -- Alcoholic Beverage Commission - As introduced, requires all fees, fines, and other penalties be paid to commission before license renewal for distillers, wholesalers, retailers, liquor-by-the-drink establishments, wineries, collectors, and direct shippers; authorizes commission to assess actual and reasonable costs of any hearing held in accordance with the contested case provisions. - Amends TCA Title 57, Chapter 3; Title 57, Chapter 4, Part 2 and Title 57, Chapter 1. by *Lundberg.

House Bill No. 50 -- Alcohol Offenses, Motor Vehicles - As introduced, creates misdemeanor offense of possessing open container of alcoholic beverage within passenger area of motor vehicle on public highway. - Amends TCA Title 55, Chapter 10, Part 4. by *Lundberg.

House Bill No. 51 -- Local Education Agencies - As introduced, prescribes certain procedures to govern the abolition of certain special school districts. - Amends TCA Title 49, Chapter 2. by *Todd.

***House Bill No. 52** -- Beer - As introduced, allows any establishment that has a permit to sell liquor or wine on premises to sell beer at any time such establishment can serve liquor or wine; changes hours for sale of beer in Tennessee River resort district to same hours as liquor by the drink. - Amends TCA Title 57, Chapter 4 and Title 57, Chapter 5. by *Todd.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 35** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 36** -- Election Laws -- House State & Local Government Committee

***House Bill No. 37** -- Education -- House Caption Bills Held on Desk

***House Bill No. 40** -- Special License Plates -- House Transportation Committee

***House Bill No. 41** -- Emergency Communications Districts -- House State & Local Government Committee

CONSENT CALENDAR

House Resolution No. 2 -- Memorials, Death - James Michael Dennison. by *Eldridge.

House Resolution No. 3 -- Memorials, Death - Joseph Leon Colburn, Sr. by *Hill.

House Resolution No. 4 -- Memorials, Recognition - Alpha Kappa Chapter of Alpha Gamma Rho, University of Tennessee at Knoxville, 60th Anniversary. by *Dennis.

House Joint Resolution No. 8 -- Memorials, Sports - Maryville High School football team, Class 6A state championship. by *Ramsey, Swann and Montgomery

House Joint Resolution No. 9 -- Memorials, Sports - Kendall Martindale, 2010 TSSAA Class AAA Girls Golf State Champion. by *Roach and Nicely.

House Joint Resolution No. 11 -- Memorials, Personal Achievement - Soddy Daisy High School JROTC, first in Junior Leadership Symposium. by *Floyd, Cobb, McCormick, Dean and Favors.

House Joint Resolution No. 12 -- Memorials, Retirement - Dr. Mary Barker. by *Floyd, Cobb, McCormick, Brown, Dean and Favors.

House Joint Resolution No. 13 -- Memorials, Death - Josephine Gaines Wade. by *L. DeBerry.

Rep. Floyd moved that all members voting aye on House Joint Resolution No(s). 11 and 12 be added as co-prime sponsors, with the Hamilton County Delegation listed first, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate

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Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	87
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Cobb, Coley, Cooper, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones S, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sontany, Sparks, Stewart, Swann, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 88

Representatives voting no were: Richardson, Turner J -- 2

Representatives present and not voting were: Shaw -- 1

A motion to reconsider was tabled.

REGULAR CALENDAR

House Joint Resolution No. 6 -- Memorials, Retirement - Police Chief Jackie Moore, City of Franklin. by *Casada.

Further consideration of House Joint Resolution No. 6 previously considered on January 13, 2011, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. McCormick moved that House Joint Resolution No. 6 be reset for the next available space on the next available calendar. Without objection, it was so ordered.

House Joint Resolution No. 7 -- Memorials, Sports - Station Hill Pee Wee Coyotes, 2010 Rocky Top Youth Football Classic 6U Champions. by *Casada.

Further consideration of House Joint Resolution No. 7 previously considered on January 13, 2011, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. McCormick moved that House Joint Resolution No. 7 be reset for the next available space on the next available calendar. Without objection, it was so ordered.

UNFINISHED BUSINESS

PRESENT IN CHAMBER

Representative(s) Camper was/were recorded as being present in the Chamber.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 17 out of order which motion prevailed.

Senate Joint Resolution No. 17 -- General Assembly, Joint Conventions - Calls joint convention for purpose of inaugurating Honorable Bill Haslam as governor on Saturday, January 15, 2011; adjourns organizational session and convenes regular session on January 15, 2011; recesses regular session until February 7, 2011. by *Norris.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

ENGROSSED BILLS

January 14, 2011

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) 8, 9, 11, 12 and 13.

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENROLLED BILLS

January 14, 2011

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 2, 3 and 4; and find same correctly enrolled and ready for the signatures of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

SIGNED

January 14, 2011

The Speaker announced that she had signed the following: House Resolution(s) No(s). 2, 3 and 4.

BETTY KAY FRANCIS, Chief Engrossing Clerk

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 2 Rep(s). Lollar as prime sponsor(s).

ROLL CALL

The roll call was taken with the following results

Present..... 93

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones S, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 93

RECESS MOTION

Representative McCormick moved, pursuant to Senate Joint Resolution No. 15, the House stand in a brief recess to prepare for the Joint Convention to hear from John Allyn of the Bureau of Ethics and Campaign Finance for the purpose of fulfilling the ethics course requirement, at the conclusion of which the House stand in recess until 10:00 a.m. on Saturday, January 15, 2011.

IN JOINT CONVENTION
ETHICS COURSE REQUIREMENT

The hour having arrived, set by Senate Joint Resolution No. 15, the House and Senate met in Joint Convention for the purpose of completing the Ethics Course requirement pursuant to Tennessee Code Annotated, Section 3-6-113.

Mr. President Ramsey called the Joint Convention to order at 10:00 a.m.

President Ramsey directed the Clerks of the respective bodies to call the roll as follows:

The Clerk of the Senate called the roll of the Senate with the following results:

Present..... 32

The Clerk of the House took the roll with the following results:

Present..... 93

Representatives present were Alexander, Armstrong, Bass, H. Brooks, K. Brooks, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, J. DeBerry, L. DeBerry, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgerty, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Harwell, Hawk, Haynes, Hensley, Hill, Holt, Hurley, C. Johnson, P. Johnson, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, D. Miller, L. Miller, Montgomery, Moore, Naifeh, Nicely, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, J. Turner, M. Turner, Watson, Weaver, White, K. Williams, R. Williams, Windle, Wirgau, Womick--93

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Casada; business reasons.

Representative Harmon; personal reasons.

Representative Matlock; personal reasons.

RESOLUTION READ

The Clerk of the Senate read Senate Joint Resolution No. 15 authorizing the Joint Convention.

RECOGNITION IN THE WELL

Representative Curtis Johnson introduced Mr. John Allyn, Legal Counsel for the Bureau of Ethics and Campaign Finance of the Tennessee Registry of Election and Finance Commission in the Well for the presentation of the ethics course.

MOTION TO ADJOURN

At the conclusion of the presentation, Representative McCormick moved that the Joint Convention stand adjourned.

Mr. President Ramsey relinquished the gavel to Madam President Pro Tempore Harwell.

Without objection, Madam President Pro Tempore Harwell declared the Joint Convention dissolved.